Working group for Judicial reform Commission

*292. SHRI V. GOPALSAMY:
DR. SHYAM SUNDAR MOHAPATRA:†

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) what steps Government propose to take to clear the arrears in all the Courts in the country;

(b) whether Government have decided to constitute a working group to advise the formation of a judicial Reforms Commission; and

(c) if so, by when the Commission is likely to be constituted?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ): (a) A Statement is placed on the Table of the House (*See below*).

(b) The Joint Conference of Chief Justice, Chief Minister and Law Ministers of States held on 31st August, 1 September, 1985 has resolved for constituting a Minister and Chief Justice of India to Working Group by the Union Law advise the Judicial Reforms Commission.

(c) if so, by when the Commission is set up very soon. However, it is not possible to indicate a definite date.

Statements

Steps taken from time to time to Reduce pendency

The following steps have been taken in recent years to reduce pendency in the courts:

1. Elimination of arrears in all the Courts has been discussed in the Conference of Chief Justices, Chief Minister and Law Ministers of States held on 31st August—1st September, 1985 and the resolutions of the Conference have been commended to High Courts and State Governments.

2. The Code of Civil Procedure was amended in 1976 to abolish Letters Patent Appeals from Judgement of Single Judge of the High Court in Second Appeal (Vide Section 100A).

3. The Code of Criminal Procedure based on the recommendations of the Law Commission was enacted in 1973.

4. The Judge strength of the Supreme Court has been raised from 13 to 17 excluding the Chief Justice with effect from 31.12.1977 by amending the Surpreme Court (Number of Judges) Act, 1956.

5. The sanctioned strength of the High Court Judges has been increased from 351 in March, 1977 to 428 on 1st December, 1985.

6. The Supreme Court has also taken the following measures:

   (i) Priority is given to certain matters;

   (ii) Miscellaneous matters are fixed daily;

   (iii) Writ Petitions with identical questions are grouped together and batches running from 50 to 100 matters are listed together for hearing;

   (iv) Other matters involving identical questions are also identified from time and put together and efforts are made to see that such groups are disposed of early;

   (v) The Supreme Court Rules were revised in 1966 providing for printing of records under its own supervision. As late, that was also taking quite some time, dispensing the Court of late, has started wherever possible dispensing with the preparation of records, and hearing the appeals on Special Leave Paper-Book itself, after the parties

†The question was actually asked on the Floor of the House by Dr. Shyam Sundar Mohapatra.

have filed their counter-affidavits and affidavits in reply;

(vi) To save the Court's time Hon'ble the Chief Justice of India is taking mentioning after Court's hours, which were previously taking at least about one hour;

(vii) In Criminal Appeals, Counsel for the Appellate is required to file cyclostyled record to save time in getting it printed, so that the matters could be heard early;

(viii) Supreme Court Rules have been amended empowering Hon'ble Judge in Chambers and the Registrar to dispose of certain types of matters which were previously being listed in the Court. This has been save the Court's time;

(ix) Specialized benches are constituted to list particular type of matters relating to that branch of law in which he Hon'ble Judges constituting the Specialized Bench are experts. This enables the Specialized Bench to dispose of such matter expeditiously.

7. Apart from the above, certain High Courts are taking the following steps for ensuring better disposal of cases.

(a) Cases involving common questions are being grouped by several High Courts;

(b) Matter fixed for hearing by giving short returnable dates;

(c) Dispensing with printing of records;

(d) Expediting and giving priority to matters under certain Acts.

8. The Government have also addressed the Chief Minister of States and the Chief Justices of High Courts in which there is a heavy pendency of civil cases over 5 years' old, to consider appointment of retired judges under article 224A of the Constitution.

9. The recommendations contained in the 77th and 79th Reports of the Law Commission have been examined. As action on majority of the recommendations is to be taken by the State Governments and High Courts, these have been sent to them along with the views of the Union Government and they have been requested to take necessary action.

10. The Government have constituted an informal committee of 3 Chief Justices to examine the problem of arrears in High Courts and suggest remedial measures.

DR. SHYAM SUNDAR MOHAPATRA: Sir, in (b) a mention has been made about the Judicial Reforms Commission. May I know from the hon. Minister what the terms of reference are or what the terms of reference will be of this Commission?

SHRI H. R. BHARDWAJ: Sir, the exact terms of reference have not yet been finalised. I will let him know afterwards, after the terms of reference have been finalised.

DR. SHYAM SUNDAR MOHAPATRA: I understand that there are a few thousands of cases lying pending in courts, and even after going to heaven people do not get redressal:

MR. CHAIRMAN: They will get it there.

SHRI SURESH KALMADI: Is that an assurance, Sir?

DR. SHYAM SUNDAR MOHAPATRA: Sir I want to know how many retired Judges of the High Courts or District Judges or Sessions Judges will be recruited for all the tribunals or whatever forums you are having and how many have been already recruited.

SHRI H. R. BHARDWAJ: Sir, the hon. Member's question is not precise. I want to know which forum he is referring to. Sir, the District Judges cannot be recruited by us. They have to be recruited by the State Governments.

MR. CHAIRMAN: To which particular group you are referring to. Is it at the District level or the High Court level? That is what the Minister wants to know.

DR. SHYAM SUNDAR MOHAPATRA: District level.

SHRI H. R. BHARDWAJ: District level judicial is not administered by us.

SHRI SANKAR PRASAD MITRA: Sir, many Judicial Reforms Commissions have been constituted in the past; and the Honourable Minister announces the formation of another Judicial Reforms Commission. No Commission in the past has taken the opinions of persons who are engaged in litigation in different courts—as to what their difficulties are? What problems they are facing? Will this new Commission which is going to be formed, take note of that and try to obtain some opinion from the litigant public apart from obtaining opinions of Judges and members of the Bar?

SHRI H. R. BHARDWAJ: Sir, the proposed Judicial Reforms Commission will be assisted by a group of experts about which the Chief Justice of India and the Minister of Law will decide about the person who will advise the proposed Commission. So far as the Commission is concerned, it will be one-man Judge Commission. Accordingly the expert group wil be constituted and efforts will be made to associate people's from all walks of life.

MR. CHAIRMAN: That is the litigant public.

SHRI M. S. GURUPADASWAMY: Sir, may I know from the Honourable Minister, whether he is aware of the recent but very important statement made by the Chief Justice of India wherein he has said that the administration of justice is chaotic at one end and the conditions of services of the Judges from the highest to the lowest are very deplorable at the other end?

In view of this statement, whether the Minister will take steps to see that the Commission that is going to be set up for suggesting judicial reforms, will submit its report as early as possible so that the reforms can be undertaken by the Government at the earliest time?

SHRI H. R. BHARDWAJ: Sir, the question put by the hon. Member is twofold. So far as the conditions in the court is concerned, that they are chaotic and they are in a mess nobody will disagree with this that the conditions are chaotic. But the Chief Justice and other Judges themselves are concerned to solve chaotic conditions. We have been given a detailed list of steps, that we propose to take.

With regard to the Chief Justice statement regarding conditions of service, I have already said in this House while we were discussing other Bill that the conditions of services of Judges is also being discussed. It was one of the matters which we discussed in the Joint Conference, meeting also. The question of better deal to the Judges is under our consideration and a final decision will be conveyed to the House very soon.

*293. [The *questioners (Shri Ram Naresh Kushawaha and Shri Virendra Verma were absent. For answer,* vide *cols.* 43-44 infra].

*294. [*The questioner (Shri J. P. Goyal) was absent. For answer,* vide *cols* 44—55 infra].

*295. [*The questioner (Shri Chaturanam Mishra) was absent. For answer,* vide *cols.* 55—57 infra].

MR. CHAIRMAN: Q. No. 296 Mr. Mukhtiar Singh Malik.